

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for the courtesy of the Examiner interviews conducted on March 31, 2005 and May 10, 2005.

Disposition of Claims

Claims 1, 3, 4, 6-12, and 14-18 are pending in this application. Claims 1, 10 and 18 are independent. The remaining claims depend, directly or indirectly, from claims 1 and 10. Dependent claims 5 and 13 have been canceled with this response.

Claim Amendments

Independent claims 1 and 10 have been amended to clarify the present invention and to incorporate the limitations of claims 5 and 13 as discussed during the Examiner Interview conducted on March 31, 2005. Independent claim 18 has been amended to include similar limitations as amended independent claims 1 and 10. Support for these amendments may be found, for example, on paragraph [0033] of the instant specification. The Applicant asserts that no new subject matter has been added by way of these claim amendments.

Rejections under 35 U.S.C. §103(a)

Claims 1, 5, 9, 10, 13, 17 and 18 stand rejected under 35 U.S.C. §103 as being unpatentable over The LDUP Replication Update Protocol ("Stokes") in view of U.S. Patent No. 5,835,757 ("Oulid-Aissa"), and U.S. Patent No. 5,805,822 ("Long"). To the extent this rejection still applies to the amended claims, this rejection is respectfully traversed.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of

success must both be found in the prior art and not based on applicant's disclosure. See MPEP section 706.02(j).

Amended independent claims 1, 10, and 18 as recited in the present invention recite a timestamp portion comprising a network offset component which is related to logical time. Specifically, claims 1, 10 and 18 recite incrementing the network offset component when the logical time on one server is greater than the logical time on another server.

In contrast to the claims as recited in the present invention which teach network offset and comparing logical time on two servers, Oulid-Aissa merely teaches data offset. Data offset, as taught by Oulid-Aissa, is derived from the location of the data with respect to other data on the same server. Specifically, when one data element is known and data offset is also known, then a user may find a second data element through accessing a DDI table which has data definition information and data organization information (*See, e.g.*, Oulid-Aissa col. 10 ll. 18-23 and col. 12 ll. 40-42). Accordingly, the data offset, which simply accounts for relationships between data elements, as taught by Oulid-Aissa does not teach network offset, which compares logical time on two servers, as recited in the claims of the present invention.

As shown above, Oulid-Aissa does not support the rejection of amended independent claims 1, 10, and 18. Further, Stokes does not teach that which Oulid-Aissa lacks. Specifically, Stokes is silent with respect to logical time and network offsets. Accordingly, Stokes cannot teach a network offset which is incremented when the logical time on the consumer server is greater than the logical time on a supplier server as recited in the claims of the present invention.

As shown above, Oulid-Aissa and Stokes fail to support the rejection of amended independent claims 1, 10, and 18. Further, Long does not teach that which Oulid-Aissa and Stokes lack. This is evidenced by the fact that Long is only relied upon to teach sub-sequence numbers and not a timestamp portion comprising a network offset component. (See Office Action mailed March 2, 2005, p. 4).

In view of the above, Oulid-Aissa, Stokes and Long, whether considered together or separately, do not support the rejection of amended independent claims 1, 10, and 18. Dependent

claims 9 and 17 are allowable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 3 and 11 stand rejected under 35 U.S.C. §103 as being unpatentable over Stokes in view of Oulid-Aissa, Long, and further in view of U.S. Patent No. 6,567,892 (“Horst”). Claim 3 is dependent on amended independent claim 1 and Claim 11 is dependent on amended independent claim 10. To the extent this rejection still applies, this rejection is respectfully traversed.

As shown above, neither Oulid-Aissa, Stokes, nor Long teach a timestamp portion comprising a network offset, wherein the network offset is incremented when the logical time on one server is greater than a logical time on another server. Further, Horst does not teach that which Oulid-Aissa, Stokes, and Long lack. Specifically, Horst does not even mention having network offsets or comparing the logical time on two servers. Thus, Horst cannot teach incrementing a network offset when a first logical time on the consumer server is greater than a second logical time on the supplier server as recited in the claims of the present invention.

In view of the above, it is clear Oulid-Aissa, Stokes, Long, and Horst fail to support the rejection of amended independent claims 1 and 10. Dependent claims 3 and 11, which depend on claims 1 and 10, are allowable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 4 and 12 stand rejected under 35 U.S.C. §103 as being unpatentable over Stokes in view of Oulid-Aissa, Long, and further in view of U.S. Patent No. 5,581,753 (“Terry”) and U.S. Patent No. 6,732,171 (“Orcutt”). Claims 4 and 12 are dependent on amended independent claims 1 and 10, respectively. To the extent this rejection still applies, this rejection is respectfully traversed.

As shown above, neither Oulid-Aissa, Stokes, nor Long teach a timestamp portion comprising a network offset, wherein the network offset is incremented when the logical time on one server is greater than a logical time on another server. Further, Terry does not teach that which Oulid-Aissa, Stokes, and Long lack. Specifically, Terry teaches writing to and reading from a database. Terry does not even mention having network offsets. Thus, Terry cannot teach

incrementing a network offset when a first logical time on the consumer server is greater than a second logical time on the supplier server as recited in the claims of the present invention.

Further, Orcutt does not teach that which Oulid-Aissa, Stokes, Long, and Terry lack. Specifically, Orcutt also does not mention having network offsets. Thus, Orcutt cannot teach incrementing a network offset when a first logical time on the consumer server is greater than a second logical time on the supplier server as recited in the claims of the present invention.

In view of the above, Oulid-Aissa, Stokes, Long, Terry and Orcutt, whether considered together or separately, do not support the rejection of claims 1 and 10. Dependent claims 4 and 12 which depend on claims 1 and 10 are allowable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 6 and 14 stand rejected under 35 U.S.C. §103 as being unpatentable over Stokes in view of Oulid-Aissa, Long, and further in view of U.S. Patent No. 5,592,910 ("Safadi") and U.S. Patent No. 6,606,744 ("Mikurak"). Claims 6 and 14 are dependent on amended independent claims 1 and 10, respectively. To the extent this rejection still applies, this rejection is respectfully traversed.

As shown above, neither Oulid-Aissa, Stokes, nor Long teach a timestamp portion comprising a network offset, wherein the network offset is incremented when the logical time on one server is greater than a logical time on another server. Further, Safadi does not teach that which Oulid-Aissa, Stokes, and Long lack. Specifically, Safadi does not even mention the use of network offsets. Therefore, Safadi cannot teach incrementing a network offset when a first logical time on the consumer server is greater than a second logical time on the supplier server as recited in the claims of the present invention.

Further, Mikurak does not teach that which Oulid-Aissa, Stokes, Long, and Safadi lack. Specifically, Mikurak also does not teach offsets much less network offsets. Further Mikurak only has time associated with when a telephone call was made. Mikurak does not compare time of telephone calls on two different servers. Therefore, Mikurak cannot teach incrementing a network

offset when a first logical time on the consumer server is greater than a second logical time on the supplier server as recited in the claims of the present invention.

In view of the above, Oulid-Aissa, Stokes, Long, Safadi and Mikurak, whether considered together or separately, do not support the rejection of claims 1 and 10. Dependent claims 6 and 14 which depend on claims 1 and 10 are allowable for at least the same reasons. Withdrawal of this rejection is respectfully requested.

Claims 7, 8, 15, and 16 stand rejected under 35 U.S.C. §103 as being unpatentable over Stokes in view of Oulid-Aissa, Long, and Mikurak. Claims 7, 8, 15, and 16 are dependent on amended independent claims 1 and 10. To the extent this rejection still applies, this rejection is respectfully traversed.

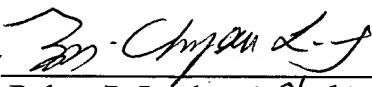
As shown above Oulid-Aissa, Stokes, Long and Mikurak, whether considered together or separately, do not support the rejection of claims 1 and 10. Dependent claims 7, 8, 15, and 16 which depend on claims 1 and 10 are allowable for at least the same reasons. Withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 13220/008001).

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